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2-11-02

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 3053.1C

First Inventor Calvin F. Quate

Title Method for Detecting Chemical Interactions Between Naturally Occurring Biological Analyte Molecules (As amended)

Express Mail Label No.

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 13]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Pages 16]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: -- Formal Drawings (2) sheets, Figures 1-4.  
-- Petition Under 37 CFR 1.181-1.183 for submission of Electronic References  
-- Terminal Disclaimer

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09 / 097675

Prior application information: Examiner E. Campbell

Group / Art Unit: 1656

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



or ☐ Correspondence address below

(Insert Customer No. or attach bar code label here)

22886

PATENT TRADEMARK OFFICE

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Philip L. McGarrigle

Registration No. (Attorney/Agent)

31,395

Signature

Philip L. McGarrigle

Date

2-5-02

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 1232

## Complete if Known

Application Number (unassigned)  
Filing Date Herewith  
First Named Inventor Calvin F. QUATE  
Examiner Name TBD  
Group / Art Unit TBD  
Attorney Docket No. 3053.1C

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 01-0431

Deposit Account Name Affymatrix, Inc

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 740

### 2. EXTRA CLAIM FEES

Total Claims 19 -20 \*\* = 0 X Fee from below = 0  
Independent Claims 6 -3 \*\* = 3 X 84 = 252  
Multiple Dependent X = 0

Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ ) 252

\*\*or number previously paid, if greater, For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) Terminal Disclaimer (\$ 110)

110

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ ) 240

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type) Philip L. McGarrigle Registration No. Attorney/Agent 31,395 Telephone (408) 731-5021  
Signature *Philip L. McGarrigle* Date 2-1-02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Calvin F. QUATE ET AL.	Examiner:	TBD
Serial No:	(Unassigned)	Group Art Unit:	TBD
Filing Date:	(Herewith)		

Title: METHOD FOR DETECTING CHEMICAL INTERACTIONS BETWEEN NATURALLY OCCURRING BIOLOGICAL ANALYTE MOLECULES (AS AMENDED)

## COMMUNICATION


Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants submit the attached Declarations as originally executed in the parent application. Additionally, applicants submit a Terminal Disclaimer over the issued or allowed patents. The commissioner is hereby authorized to charge the \$110.00 fee required under 37 C.F.R § 1.20 (d) to Deposit Account 01-0431.

Dated: 2/5/02

Respectfully submitted,

  
Philip L. McGarrigle  
Reg. No. 31,395

**Legal Department**  
**Affymetrix, Inc.**  
**3380 Central Expressway**  
**Santa Clara, CA 95051**  
**Tel: 408/731-5021**  
**Fax: 408/731-5392**

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
3053.1C

In re Application of: Calvin F. QUATE et al.

Application No. (unassigned)

Filed: (Herewith)

For: Method for Detecting Chemical Interactions Between Naturally Occurring Biological Analyte Molecules  
(as amended)

The owner\*, Affymetrix, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent to issue from USSN 09/097,675 and of prior Patent No. US 6,203,983 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

  
Signature

2-5-02  
Date

Philip L. McGarrigle- reg. No. 31,395

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231  
PA 3195785 v1

02/15/2002 VTRUONG1 00000023 010431 10072414

04 FC:148 110.00 CH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

QUATE, Calvin F., et al.

Application No.: (Unassigned)

Filed: (Herewith)

For: METHOD FOR DETECTING CHEMICAL  
INTERACTIONS BETWEEN NATURALLY  
OCCURRING BIOLOGICAL ANALYTE  
MOLECULES (As Amended)

Examiner: TBD

Art Unit: TBD

PETITION UNDER 37 CFR §§ 1.181, 1.182, or 1.183

The Honorable Commissioner of Patents  
Washington, D.C. 20231

Sir:

Applicant petitions the Commissioner under 37 C.F.R. §§ 1.181, 1.182, or 1.183 to allow Applicant to submit electronic copies (on a CD-ROM) of references cited in the accompanying IDS and officially make these references of record. Applicant is attempting to reduce the paper filed by Applicant and retained by the PTO, while ensuring a complete examination.

Authorization to charge the \$130.00 fee required under 37 C.F.R. § 1.17(h) to Deposit Account 01-0431 is hereby granted. Applicant believes no other fee is due in connection with this petition. If an additional fee is due, please charge our Deposit Account, No. 01-0431. If this petition is considered under 37 C.F.R. § 1.181 and no fee is due, please credit the above Deposit Account No.

PATENT

Attorney Docket No.: 3053.1C

Dated: 1-29-02

Respectfully submitted,



Philip L. McGarrigle  
Reg. No. 31,395

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Calvin F. QUATE ET AL.

Examiner: TBD

Serial No: (Unassigned)

Group Art Unit: TBD

Filing Date: (Herewith)

Title:

METHOD FOR DETECTING CHEMICAL INTERACTIONS BETWEEN  
NATURALLY OCCURRING BIOLOGICAL ANALYTE MOLECULES (AS  
AMENDED)

Commissioner for Patents  
Washington, D.C. 20231

FORMAL DRAWING TRANSMITTAL

Sir:

Attached hereto are two sheets of formal drawings containing Figures 1-4.


Applicants respectfully request the Draftperson's approval of these formal drawings at  
the earliest opportunity.

PATENT

Atty. Docket No. 3053.1C

Dated: 1-29-02

Respectfully submitted,

  
Philip L. McGarrigle  
Reg. No. 31,395

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